

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.9848 OF 2014

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.C.K.Shinde, advocate for the petitioner.
Mr.M.N.Navandar, advocate for Respondent No.2.
Mrs.Y.M.Kshirsagar, Asstt. Govt. Pleader for the State.

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA, JJ.**
Date : 12.02.2015.

PER COURT :

1. Heard.
2. Mr.Shinde, learned counsel submits that Respondent No.2 University had submitted proposal with Respondent No.1 for adding six months qualifying service for getting benefit of pension under Rule 54(2) of the Maharashtra Civil Services (Pension) Rules, 1982. However, the State rejected the same on altogether different ground stating that the period when the petitioner worked on daily wages can not be considered. The same is erroneous.
3. Mr.Navandar, learned counsel for Respondent No.2 accepts that the proposal was submitted to the State for relaxing six months of service under Rule 54 of the Maharashtra Civil Services

(Pension) Rules, 1982.

4. We have heard learned Asstt. Govt. Pleader also.

5. The impugned order passed is on altogether different premise than the proposal as was submitted. Vide order dated 15.4.2014 in W.P.No. 6321/2012, this Court had specifically directed the University to consider the proposal in accordance with relevant Rules including Rule 54 of the Maharashtra Civil Services (Pension) Rules. In light of that, it was incumbent upon the Respondent-State to consider the said proposal in accordance with Rule 54 of the Maharashtra Civil Services (Pension) Rules and to exercise its powers accordingly.

6. In the result, the impugned order is quashed and set aside. The State shall take decision on the proposal submitted by the Respondent No.2 in respect of petitioner for adding six months qualifying service in accordance with Rule 54 of the Maharashtra Civil Services (Pension) Rules, expeditiously and preferably within four (4) months from today.

7. The Writ Petition is accordingly disposed of. No costs.

(V . L . ACHLIYA, J .)

(S . V . GANGAPURWALA, J .)

Dt..12.02.2015.
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